

Message Text

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PAGE 01 MANILA 15105 281046Z

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ACTION EA-09

INFO OCT-01 ISO-00 EB-07 L-03 /020 W

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R 280843Z OCT 75

FM AMEMBASSY MANILA

TO USDA/FAS/WASHDC

INFO SECSTATE WASHDC 8868

UNCLAS MANILA 15105

USDA/FAS FOR LEO WALLACE/POD/PL 480 PROGRAMS

SUBJECT: PL 480 RICE GUAM

TOFAS 187.

1. HEARING HELD U.S. DISTRICT COURT GUAM OCTOBER 22-23.
2. AGATT MADE ALL PERTINENT DOCUMENTS AVAILABLE TO U.S. ATTORNEY WHO ALSO PROVIDED COPIES TO AMBYTH LAWYER.
3. SUIT FILED BY SECOND HIGH BIDDER CONTENDED TOYO MEKNA BID NON-RESPONSIVE SINCE QUALIFICATIONS ACCOMPANIED BID. ALSO, SINCE ARRANGEMENTS WERE BEING WORKED OUT WITH NAVAL SUPPLY DEPOT (NSD) TO LOAD AT THEIR FACILITIES, THIS CONTRASTS TO IFB WHICH SPECIFIED THAT PURCHASER TO PROVIDE FOR LOADING AND NO ASSISTANCE TO BE PROVIDED BY GOVERNMENT.
4. U.S. ATTORNEY ARGUED THAT CONTRACTING OFFICE NOT EXPERIENCED SUCH MATTERS AND ONLY INTENT WAS TO OBTAIN THE HIGHEST POSSIBLE DOLLAR RETURNS TO US GOVERNMENT AND TO HAVE RICE REMOVED FROM NAVAL SUPPLY DEPOT EARLIEST POSSIBLE TIME DUE TO URGENT NEED FOR SPACE.
5. WITH ONE EXCEPTION, THE QUALIFICATIONS ACCOMPANYING TOYO MENKA BID WERE DENIED BY AGATT. THE EXCEPTION WAS THAT US WOULD FINANCE LOADING COSTS ABOVE \$5.00 PER METRIC TON. NSD INDICATED TO AGATT SUCH COSTS WOULD BE \$8.50 TO \$9.00 PER TON. THUS NET AT \$143 PER TON SUBSTANTIALLY IN EXCESS OF NEXT BID OF \$123.42.

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THESE ARRANGEMENTS WORKED OUT AFTER THE FACT AND NOT LEGAL

ACCORDING TO IFB.

6. U. S. DISTRICT COURT JUDGE RULED THAT TOYO MENKA BID NOT IN ACCORDANCE WITH IFB AND GAVE FOLLOWING PRELIMINARY RULING:

1. CONTRACT SIGNED WITH TOYO MENKA TO BE CANCELLED; AND

2. CONTRACTING OFFICE TO ISSUE NEW INVITATION-FOR-BID.

7. ADDITIONAL DETAILS TO FOLLOW BY LETTER.

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Message Attributes

Automatic Decaptioning: X
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: RICE, PL 480, PROPOSALS (BID), COURT PROCEEDINGS
Control Number: n/a
Copy: SINGLE
Draft Date: 28 OCT 1975
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: n/a
Disposition Approved on Date:
Disposition Authority: n/a
Disposition Case Number: n/a
Disposition Comment:
Disposition Date: 01 JAN 1960
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1975MANILA15105
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: N/A
Errors: N/A
Film Number: D750373-0380
From: MANILA
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1975/newtext/t19751014/aaaaamnv.tel
Line Count: 71
Locator: TEXT ON-LINE, ON MICROFILM
Office: ACTION EA
Original Classification: UNCLASSIFIED
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 2
Previous Channel Indicators: n/a
Previous Classification: n/a
Previous Handling Restrictions: n/a
Reference: n/a
Review Action: RELEASED, APPROVED
Review Authority: buchant0
Review Comment: n/a
Review Content Flags:
Review Date: 06 NOV 2003
Review Event:
Review Exemptions: n/a
Review History: RELEASED <06 NOV 2003 by ThomasVJ>; APPROVED <28 JAN 2004 by buchant0>
Review Markings:

Margaret P. Grafeld
Declassified/Released
US Department of State
EO Systematic Review
06 JUL 2006

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: NATIVE
Subject: PL 480 RICE GUAM TOFAS 187.
TAGS: ETRD, EAGR, CGEN, TOYO MENKA
To: USDA
Type: TE
Markings: Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 06 JUL 2006